



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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NOV 21 2019

Ref: 8ARD-QP

The Honorable Gary Herbert
Governor of Utah
Utah State Capitol Complex
350 North State Street, Suite 200
P.O. Box 142220
Salt Lake City, Utah 84114-2220

Re: Finding of Incompleteness for 2015 Ozone Infrastructure SIP

Dear Governor Herbert:

On October 24, 2019, the U.S. Environmental Protection Agency received a submission from the state of Utah addressing the "infrastructure" elements of Clean Air Act (CAA) section 110(a)(2) for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). We have reviewed this submission to determine whether it meets the administrative requirements of 40 CFR part 51, Appendix V, "Criteria for Determining the Completeness of Plan Submissions." In our review, we determined that the October 24, 2019 submission does not meet the 40 CFR part 51 Appendix V, section 2.1(g) requirement to include "certification that public hearing(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable and consistent with the public hearing requirements in 40 CFR 51.102." 40 CFR part 51.102(a) requires that "the State must hold a public hearing or provide the public the opportunity to request a public hearing." The October 24, 2019 submission, however, does not provide certification that a public hearing was held, or indicate that the public was provided the opportunity to request a public hearing. Therefore, the EPA finds that this submission is incomplete pursuant to Clean Air Act section 110(k)(1) and is returning the submission to the State.

The EPA looks forward to working with Utah to ensure the subsequent 2015 ozone infrastructure SIP submission meets all of the applicable administrative requirements. If there are any questions on this issue, your staff may contact Carl Daly, Acting Director, Air and Radiation Division, at (303) 312-6416.

Sincerely,

Gregory Sopkin
Regional Administrator

cc: Scott Baird, Executive Director
Utah Department of Environmental Quality

Bryce Bird, Director
Utah Division of Air Quality



STATE OF UTAH

GARY R. HERBERT
GOVERNOR

OFFICE OF THE GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

SPENCER J. COX
LIEUTENANT GOVERNOR

October 22, 2019

Gregory Sopkin, Regional Administrator
US EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

Dear Mr. Sopkin:

On December 28, 2015, the Environmental Protection Agency (EPA) promulgated a new eight-hour concentration National Ambient Air Quality Standard (NAAQS) for Ozone. As a result, the Division of Air Quality is required to submit an Infrastructure State Implementation Plan (ISIP) to demonstrate that Utah can implement, maintain, and enforce the new standard. The Clean Air Act requires states to submit ISIPs with specific elements outlined in Section 110(a)(2). To meet the requirements outlined in 110(a)(2), the State has prepared a document titled *2015 State Implementation Plan Infrastructure Elements for Ozone* which I have enclosed for your approval.

Supporting documentation is being submitted by the Utah Division of Air Quality. If you have questions about this request, please call Bryce Bird, Director of the Division of Air Quality, at (801) 536-4064.

Sincerely,

Gary R. Herbert
Governor

Enclosures

UTAH

Administrative Documentation

2015 State of Utah 110(a)(2) SIP Infrastructure Elements for Ozone.

State of Utah
Department of Environmental Quality
Division of Air Quality
195 N. 1950 West
P.O. Box 144820
Salt Lake City, Utah 84114-4820
801-536-4000

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'October 22, 2019

UTAH
ADMINISTRATIVE DOCUMENTATION Qewdgt 2019

**State of Utah 110(a)(2) SIP Infrastructure Elements for
Ozone.**

**ADMINISTRATIVE DOCUMENTATION
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AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Jared M. Fry
Name (print or type)

Jared M. Fry
Name (signature)

NOTICE OF PUBLIC COMMENT PERIOD

2015 State Implementation Plan Infrastructure Elements for Ozone

On December 28, 2015, the Environmental Protection Agency (EPA) promulgated a new eight-hour concentration National Ambient Air Quality Standards (NAAQS) for Ozone. As a result, the Division of Air Quality (DAQ) is required to submit an Infrastructure State Implementation Plan (ISIP) to show compliance with the new standards. Section 110(a)(2) of the Clean Air Act (CAA) states the required elements each ISIP must include to be accepted after the promulgation of a national primary ambient air quality standard. To satisfy the Section 110(a)(2) requirements, the DAQ has prepared a document titled 2015 State of Utah 110(a)(2) SIP Infrastructure Elements for Ozone to be submitted to the EPA. This document is available for public comment and can be viewed at: <https://deq.utah.gov/air-quality/air-quality-rule-plan-changes-open-public-comment>.

The comment period will run from September 20, 2019 through October 21, 2019. Comments postmarked on or before that date will be accepted. Comments may be submitted by electronic mail to lthraikill@utah.gov or may be mailed to:

ATTN: 2015 Ozone ISIP
Bryce Bird, Director
Utah Division of Air Quality
PO Box 144820
Salt Lake City, UT 84114-4820

Pub.: September 20, 2019.

1908795

State of Utah 110(a)(2) SIP Infrastructure Elements for Ozone

Section 110(a)(2)(A): Emission Limits and Other Control Measures

Requirement Summary

"Each such plan shall—include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter."

Utah's Infrastructure

SIP Section 1: Legal Authority identifies the statutory provisions that allow adoption of standards and limitations for attainment and maintenance of national standards. This section of the SIP is codified in R307-110-2, and EPA approved it most recently on February 14, 2006, in 71 FR 7679.

SIP Section II: Review of New and Modified Air Pollution Sources provides that new or modified sources of air pollution must submit plans to the Utah Division of Air Quality (DAQ) and receive approval orders before initiation of construction or modification of an installation. SIP Section II is codified in R307-110-3, and EPA approved the SIP most recently on February 14, 2016, in 71 FR 7679. The Utah Air Quality Rule R307-401 establishes a minor source permitting program in the state for new and modified sources, and was most recently approved by EPA on July 19, 2016, in 79 FR 7072.

SIP Section VIII: Prevention of Significant Deterioration was established as required by the Clean Air Act (CAA) and applies to all air pollutants regulated under the CAA. SIP Section VIII is codified in R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011, in 76 FR 41712. On April 14, 2011, Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal. Utah amended R307-405 on November 6, 2019, to comply with EPA's January 17, 2017 revisions to Appendix W.

SIP Section IX, Part D: 8-Hour Ozone Maintenance Provisions identifies control measures for sources of ozone precursors in the Salt Lake County and Davis County ozone maintenance area. This section of the SIP was most recently revised in 2007 to demonstrate maintenance of the 1997 8-hour ozone standard and was submitted to EPA on March 22, 2007. EPA has not yet acted upon this SIP revision. EPA approved Utah's ozone maintenance plan for the 1-hour ozone standard in 1997. SIP Section IX Part D is codified in R307-110-13, and EPA approved the SIP most recently on September 2, 2008, in 73 FR 5122.

SIP Section X, Part A: Vehicle Inspection and Maintenance Program General Provisions, establishes general provisions for all inspection and maintenance programs in Utah. SIP Section X.A is codified in R307-110-31 and EPA approved it most recently on September 9, 2015 in 80 FR 54237. On December 5, 2012 the Utah Air Quality Board adopted revisions to the general

provisions to summarize I/M program requirements that are similar for all programs in Utah. This revision will be submitted to EPA in the near future.

SIP Section X, Part B: Vehicle Inspection and Maintenance Program, Davis County, incorporates Davis County's I/M program into Utah's SIP. SIP Section X is codified in R307-110-32 and EPA approved it most recently on February 14, 2006, in 71 FR 7679. On December 5, 2012, the Utah Air Quality Board adopted revisions to the Davis County I/M program to reflect the current I/M program in Davis County. This revision will be submitted to EPA in the near future.

SIP Section X, Part C: Vehicle Inspection and Maintenance Program, Salt Lake County, incorporates Salt Lake County's I/M program into the SIP. SIP Section X.C is codified in R307-110-33 and EPA approved it most recently on August 1, 2005, in 70 FR 44055.

Ozone reasonable available control technology (RACT) rules that implement control technique guidance (CTG) documents established by EPA apply in the Salt Lake and Davis Counties ozone maintenance area.

R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements. This rule was most recently approved by EPA on September 26, 2013 in 78 FR 59242.

R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries. This rule was most recently approved by EPA on September 26, 2013 in 78 FR 59242

R307-327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage. This rule was most recently approved by EPA on September 26, 2013 in 78 FR 59242.

R307-328. Gasoline Transfer and Storage. This rule was most recently approved by EPA on October 19, 2016 in 81 FR 71990.

R307-335. Ozone Nonattainment and Maintenance Areas: Degreasing and Solvent Cleaning Operations. This rule was most recently approved by EPA on February 25, 2016, in 81 FR 9143. The Utah Air Quality Board adopted a revision to this rule on November 7, 2012, expanding the current rule to the PM_{2.5} nonattainment areas and adding a new section for industrial solvent cleaning performed outside of degreasing tanks. This rule change will be submitted to EPA in the near future.

R307-340. Ozone Nonattainment and Maintenance Areas: Surface Coating Processes. This rule was most recently approved by EPA on February 14, 2006 at 71 FR 7679. On December 5, 2012 the Utah Air Quality Board replaced this rule that had covered numerous categories with new rules for each of the individual categories. The new rules are numbered as follows: R307-344, Paper, Film, and Foil Coatings; R307-345, Fabric and Vinyl Coatings; R307-346, Metal Furniture Surface Coatings; R307-347, Large Appliance Surface Coatings; R307-348, Magnet Wire Coatings; R307-349, Flat Panel Coatings; R307-350, Miscellaneous Metal Parts and Products Coatings; and R307-351, Graphic Arts. The new rules were expanded to apply to PM_{2.5} nonattainment areas and to reflect new CTGs published by EPA since the 1-hour ozone

maintenance plan was adopted in 1997. These rule changes will be submitted to EPA in the near future.

R307-341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt. This rule was most recently approved by EPA on September 26, 2016, in 78 FR 59242.

Section 110(a)(2)(B): Ambient Air Quality Monitoring or Data System

Requirement Summary

"Each such plan shall—provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to—

(i) monitor, compile, and analyze data on ambient air quality, and

(ii) upon request, make such data available to the Administrator."

Utah's Infrastructure

SIP Section IV: Ambient Air Monitoring Program outlines Utah's air quality surveillance network that meets the provisions of 40 CFR Part 58. This section of the SIP is codified in R307-110-5, and EPA approved it most recently on February 14, 2006, in 81 FR 7679. Utah prepares an Annual Network Review as required by 40 CFR 58.10. The plan is made available for public comment and is submitted to EPA by July 1st of each year. DAQ submits data to EPA's Air Quality System (AQS) as required by 40 CFR Part 58.

Section 110(a)(2)(C): Programs for Enforcement, PSD, and NSR

Requirement Summary

"Each such plan shall—include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter."

Utah's Infrastructure

SIP Section I: Legal Authority identifies the statutory provisions that allow DAQ to prevent construction, modification or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard or interfere with prevention of significant deterioration requirements (See I.A.1.d). SIP Section I is codified in R307-110-2, and EPA most recently approved the SIP February 14, 2006, in 71 FR 7679.

SIP Section II: Review of New and Modified Air Pollution Sources provides that new or modified sources of air pollution must submit plans to the Utah Division of Air Quality and receive approval orders before initiation of construction or modification of an installation. SIP Section II is codified in R307-110-3, and EPA approved the SIP most recently on February 14, 2006, in 71 FR 7679. The Utah Air Quality Rule R307-401 establishes a minor source permitting program in the state for new and modified sources. R307-401 was most recently approved by EPA on July 19, 2016, in 79 FR 7072.

SIP Section VIII: Prevention of Significant Deterioration was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. SIP Section VIII is codified in R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011, in 76 FR 41712. On April 14, 2011, Utah DAQ submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal. Utah amended R307-405 on November 6, 2019, to comply with EPA's January 17, 2017 revisions to Appendix W.

Utah's permitting rules require sources to install best available control technology (BACT) for all pollutants, including ozone precursors.

Section 110(a)(2)(D)(i)(I): Interstate Transport Provisions – Contribution to Nonattainment or Maintenance

Requirement Summary

"Each such plan shall—contain adequate provisions:

(i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will –

(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard

Utah's Infrastructure

Overview

Utah has authority required to revise its Infrastructure SIP in accordance with CAA 110(a)(2)(H). This SIP revision employs a weight-of-evidence approach to demonstrate that emissions from the State of Utah do not contribute to nonattainment or interfere with maintenance of the 2015 8-hour ozone NAAQS in any other state.

EPA Modeling

The EPA began implementing the Cross-State Air Pollution Rule (CSAPR) on January 1, 2015 to address the interstate transport of nitrogen oxides (NO_x) and sulfur dioxide (SO₂) between certain eastern states by imposing limits on NO_x and SO₂ produced in those states. Upwind states must control any NO_x or SO₂ emissions that interfere with a downwind state's ability to attain or maintain compliance with the NAAQS for PM_{2.5} and ozone. An upwind state is considered "linked" to a given receptor if emissions from the upwind state are modeled to be greater than 1% of the Ozone NAAQS. The EPA finalized the CSAPR Update (Update) on October 26, 2016, which affected 22 eastern states. The Update also defined the western U.S. (or the West) as consisting of 11 states, including Utah. The Update noted that "the EPA is not addressing interstate emission transport in this action for the 11 western contiguous United States" and that "the EPA and western states, working together, are continuing to evaluate interstate transport obligations on a case-by-case basis."¹

¹ Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS. Final Rule. 81 Fed. Reg. 74523

Following the Update, the EPA issued a Notice of Data Availability (NODA) on January 7, 2017, for preliminary interstate ozone transport modeling data and methods for the 2015 ozone NAAQS.² The EPA stated the data was issued to assist states with developing Infrastructure SIPs to address the “good neighbor” requirements of the CAA. The October 2017 NODA provided projected ozone values for the 2023 analytic year and used base-year emissions for 2011. The EPA then issued a memo on March 27, 2018, that provided an update to the contribution modeling in the January NODA.³ Additionally, the March memo listed potential flexibilities in analytical approaches for developing a good neighbor SIP for each step of the four-step transport framework.

The contribution modeling conducted for the CSAPR used the Comprehensive Air Quality Model with Extensions (CAMx) to run photochemical grid modeling simulations.⁴ The model used a 2011 modeling platform to project ozone concentrations at individual monitoring sites for the future year 2023. In the CSAPR rulemaking, the EPA established a 1% threshold to determine, for eastern states, whether an upwind state contributes significantly to a downwind state’s receptor.⁵ The modeling also included contributions from western states and showed that emissions from Utah would contribute more than one percent of the 2015 ozone NAAQS to some monitors in Colorado. However, in the CSAPR Update, the EPA recognized that it was not appropriate to extend CSAPR to western states without first considering important “geographically specific factors.” States in the western region thus appropriately continue to use a “weight-of-evidence” approach to demonstrate that air pollution transport is addressed in accord with the Clean Air Act.⁶

Four-step Analysis

In the March 2018 Memorandum, the EPA adapted the CSAPR four-step analysis framework for identifying linkages between states not covered by the CSAPR. The four steps are:

1. Identify downwind air quality problems;
2. Identify upwind states that contribute enough to those downwind air quality problems to warrant further review and analysis;
3. Identifying the emissions reductions necessary to prevent an identified upwind state from contributing significantly to those downwind air quality problems; and
4. Adopting permanent and enforceable measures needed to achieve those emissions reductions.

Along with newly modeled contributions to downwind receptor sites for the 2015 Ozone NAAQS, the March 2018 memo included a list of potential flexibilities in analytical approaches for developing a good neighbor SIP.

² 82 Fed. Reg. 1734.

³ Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards Under Clean Air Act Section 110(a)(2)(D)(i)(I). March 27, 2018.

⁴ Air Quality Modeling Technical Support Document for the Final Cross State Air Pollution Rule Update, August 2016.

⁵ Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS. Proposed Rule. 80 Fed. Reg. 75714.

⁶ Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; Arizona; Infrastructure Requirements to Address Interstate Transport for the 2008 Ozone NAAQS. Proposed Rule. 81 Fed. Reg. 15200, 15204.

DAQ identified the Denver Metro/North Front Range nonattainment area (Denver NAA) as the only potential area with air quality problems that could potentially be affected by emissions from Utah. EPA's modeling lists five air quality monitors (See Table 1) within the Denver NAA at which Utah contributes greater than 1% of the 2015 Ozone NAAQS. These receptors are discussed in greater detail below.

In the preliminary list of potential flexibilities for step 1, EPA listed consideration of the downwind air quality context, specifically assessing "the current and projected local emission reductions and whether downwind areas have considered and/or used available mechanisms for regulatory relief." Considering the downwind air quality context in transport between western states, especially with respect to emission reductions, is necessary because of the nature of interstate transport in the West versus the East. As the California Air Resources Board (CARB) pointed out in its California Transport Plan, receptors in the West may primarily be impacted by local contributions.⁷ Therefore, it is reasonable in step 1 of this assessment to consider the current and projected emission reductions in the Denver NAA.

Colorado's Air Quality Control Commission recently changed the oil and gas control requirements in Colorado's air quality regulations for compressors, pneumatic controllers, pneumatic pumps, equipment leaks, and fugitive emissions in the Denver NAA.⁸ Specific changes include requiring leak detection and repair (LDAR) inspections at some compressor stations, 95% emission reductions at some compressors and pneumatic pumps, changes to inspection frequency, and applicability clarifications. The changes strengthen Colorado's air regulations in the Denver NAA. However, only two of the changes apply statewide: one change that clarifies the definition of "venting" statewide, and the other that adds new recordkeeping elements in the LDAR provisions of Regulation Number 7. EPA's HYSPLIT analyses in the accompanying technical support document of Colorado's ozone I-SIP approval shows that many of the emissions at the violating monitors originate from in-state areas outside of the Denver NAA.⁹ Colorado continues to evaluate local methods of control.

The identification of the Denver NAA satisfies step 1 of the four-step process to identify downwind air quality problems. To satisfy step 2, DAQ will use a weight-of-evidence analysis to show that emissions from Utah are not contributing to nonattainment or interfering with maintenance in the Denver NAA.

Weight-of-Evidence Analysis

The EPA recognizes a weight-of-evidence approach as a valid method for western states to use to determine interference. The EPA used a weight-of-evidence approach in its assessment for

⁷ The California Transport Plan states that "[i]n the West, local contributions dominate contributions from other sources by a factor of 8:1. In contrast, what is seen in the East is that local contributions show a much lower impact resulting in a factor of 1:2. This is an indication of a major difference between the contributions that interstate transport makes to the local ozone problem in the two areas of the country." p. D-3.

⁸ Colorado Air Quality Control Commission's 2017 Revisions to Regulation Number 7 – Oil and Gas Emissions Fact Sheet. December 20, 2017.

⁹ COLORADO: Denver Metro/North Front Range Nonattainment Area Final Area Designations for the 2015 Ozone National Ambient Air Quality Standards Technical Support Document (TSD). Docket ID: EPA-HQ-OAR-2017-0548-0069.

Arizona’s Infrastructure SIP, and approved prong’s 1 and 2 of Arizona’s 2008 Ozone Infrastructure SIP on May 6, 2016, despite the state’s one percent modeled contribution to receptors in California.¹⁰ Where Arizona does contribute over one percent of the NAAQS to a projected downwind receptor in California the EPA found, based on the overall weight-of-evidence, that those receptors are not significantly impacted by transported ozone from upwind states.

The EPA has also approved California’s transport SIP for the 2008 ozone NAAQS, which uses a weight-of-evidence approach for its demonstration.¹¹ In the action, EPA found that the plan met the requirements of CAA 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS because California’s emission control program adequately addressed the transport requirement. As part of step two, DAQ will use the weight-of-evidence approach to demonstrate that Utah does not contribute enough to Colorado’s nonattainment area to warrant further review and analysis.

Modeled Contributions

According to the modeling in EPA’s 2018 Memorandum, DAQ has identified three nonattainment receptor sites and two maintenance receptor sites in Colorado that are within the same Denver Metro/North Front Range Nonattainment Area. Data from EPA’s March 27, 2018 memorandum and updated CSAPR modeling, shown in **Error! Reference source not found.**, identifies the receptors in Colorado where Utah contributes more than 1 percent of the 2015 Ozone NAAQS. The highest contribution at any one receptor site is 1.23 ppb. Therefore, Utah’s analysis below is meant to address both the prong 1 (significant contribution to nonattainment) and prong 2 (interference with maintenance) requirements of section 110(a)(2)(D)(i)(I).

Monitor ID	State	County	2023 Base Case Average Design Value	2023 Base Case Maximum Design Value	UT Modeled Contribution (ppb)
<i>Nonattainment Receptors</i>					
80690011	CO	Larimer	71.2	73.0	1.05
80350004	CO	Douglas	71.1	73.2	1.08
80590006	CO	Jefferson	71.3	73.7	0.83
<i>Maintenance Receptors</i>					
80050002	CO	Arapahoe	69.3	71.3	1.23
80590011	CO	Jefferson	70.9	73.9	1.04

Table 1: Nonattainment and Maintenance receptors identified in the Updated CSAPR Modeling

In EPA’s March 2018 Memorandum they pointed to states whose contributions were greater than one percent of the NAAQS as a threshold for establishing a “link” to a receptor site. In a

¹⁰ Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; Arizona; Infrastructure Requirements to Address Interstate Transport for the 2008 Ozone NAAQS. Final Rule. 81 Fed. Reg. 31513.

¹¹ Approval and Promulgation of Air Quality State Implementation Plans; California; Interstate Transport Requirements for Ozone, Fine Particulate Matter, and Sulfur Dioxide. Final Rule. 83 FR 65093

subsequent memo from EPA dated August 31, 2018¹², they analyzed, and found appropriate, the use of different contribution thresholds. In the memo EPA recommended that some states may use a 1.0 ppb threshold for establishing a “link” to a receptor site if the 1 ppb threshold captures a large percentage of the total upwind contribution as compared to a one percent threshold. There are five receptor sites in Colorado, shown in Table 2, where Utah contributes more than 1 percent of the 2015 NAAQS. All five of the sites are within the same Denver NAA. The total upwind contribution across these four sites is 32.29 ppb. When summed across all four receptors a one percent threshold captures 60% of the upwind contribution. A 1 ppb threshold captures 47% of the upwind contribution. Individually, two of the receptor sites capture the same contribution at both one percent and 1 ppb. Because the capture rate at 1 ppb and 1% are comparable, Utah finds that a one ppb threshold is appropriate. Utah is then linked to four of the five receptors in Table 1. Though DAQ uses the 1 ppb threshold for this analysis, it will still evaluate contributions at the fifth receptor to make a more complete assessment of the modeled results.

Site	State	County	Total Upwind State Contribution (ppb)	Sum of Upwind Contribution Captured with 0.70 ppb (1%) Threshold	Sum of Upwind Contribution Captured with 1 ppb Threshold	Percent of Upwind Contribution Captured using a 0.70 ppb (1%) Threshold	Percent of Upwind Contribution Captured using a 1 ppb Threshold
80050002	CO	Arapahoe	5.98	3.47	3.47	58.0%	58.0%
80350004	CO	Douglas	5.94	3.35	3.35	56.4%	56.4%
80590006	CO	Jefferson	7.06	4.68	2.34	66.3%	33.1%
80590011	CO	Jefferson	6.98	4.51	3.57	64.6%	51.1%
80690011	CO	Larimer	6.33	3.48	2.60	55.0%	41.1%

Table 2: Comparison of contribution thresholds at receptor sites in Colorado

In EPA’s proposed approval of prongs 1 and 2 of Arizona’s ozone transport I-SIP for the 2008 ozone NAAQS, it stated that a factor it considers in making a weight-of-evidence determination “is the magnitude of ozone attributable to transport from all upwind states collectively contributing to the air quality problem.”¹³ EPA considered the total contributions from all states that contributed to the same receptors linked to Arizona, and concluded that upwind state contributions were negligible “particularly when compared to the relatively large contributions from upwind states in the East.” EPA’s modeling update in March 27, 2018, illustrates this disparity between upwind contributions from states in the East versus the West. For example, the modeling shows that upwind contributions for one site in Connecticut were 44.24 ppb, 12 times as much as the in-state contributions of 3.71 ppb.¹⁴ A site in New York shows upwind contributions (30.68 ppb) are more than double the in-state contributions (13.55 ppb).¹⁵

¹² Analysis of Contribution Thresholds for Use in Clean Air Act Section 110(a)(2)(D)(i)(I) Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards.

¹³ 81 Fed. Reg. 15203.

¹⁴ Site ID 90019003 in Connecticut.

¹⁵ Site ID 360810124 in New York.

Site	State	County	2023 Average DV (ppb)	2023 Maximum DV (ppb)	In-State Contribution (ppb)	Upwind State Contribution (ppb)
80050002	CO	Arapahoe	69.3	71.3	22.94	5.98
80350004	CO	Douglas	71.1	73.2	24.71	5.94
80590006	CO	Jefferson	71.3	73.7	25.52	7.06
80590011	CO	Jefferson	70.9	73.9	24.72	6.98
80690011	CO	Larimer	71.2	73.0	21.74	6.33

Table 3: Comparison of in-state contributions to upwind state contributions

In the West, however, *in-state* contributions are much more significant, while upwind contributions are much smaller. The highest collective contribution from upwind states to any of the five previously listed receptors in Colorado (Site 80590006) is 7.06 ppb, while in-state contributions for the same receptor are 25.52 ppb. Table 3 shows the same case for the other Colorado sites. Because of the difference in magnitude between Colorado's in-state contributions and Utah's modeled contributions to the five identified receptors, Utah considers its contributions negligible.

Non-Anthropogenic and International Emissions

Consideration of non-anthropogenic and international contributions is identified as a flexibility under Step 3 in EPA's March memo. Attachment C of that memo contains modeled contributions from Canada/Mexico, offshore, fire, biogenic, and initial/boundary conditions. While this flexibility is intended for step 3, it is still worth addressing here to illustrate the magnitude of these emissions compared to those modeled as coming from Utah. Table 4 shows that uncontrollable emissions from Canada/Mexico, Offshore, Fire, and Biogenic emissions and the Initial/Boundary Conditions at each modeled receptor in the Denver NAA comprise over 50 percent of emissions at those sites. Ozone precursors from biogenics alone contribute 4.19 to 5.71 ppb to the Colorado receptors. By comparison, Utah's contribution ranges from 0.83 to 1.23 ppb, or approximately one-quarter the contribution of biogenics.

Site	State	County	2023 Maximum DV (ppb)	Non-U.S./Non Anthropogenic* (ppb)	Initial and Boundary Conditions	Total Uncontrollable Contribution (ppb)	Percent of Maximum DV
80050002	CO	Arapahoe	71.3	5.39	34.84	40.23	56%
80350004	CO	Douglas	73.2	5.53	34.74	40.27	55%
80590006	CO	Jefferson	73.7	7.13	31.41	38.54	52%
80590011	CO	Jefferson	73.9	6.05	32.96	39.01	53%
80690011	CO	Larimer	73.0	8.42	34.54	42.96	59%

* Includes contributions from Canada/Mexico, Offshore, Fire, and Biogenic sources

Table 4: Contributions from Canada/Mexico, Offshore, Fire, and Biogenic emissions and the Initial/Boundary Conditions to Colorado receptor sites

Considering the degrees to which in-state, non-anthropogenic, and international emissions contribute to each of the previously listed receptors, the DAQ determines that it is unnecessary

to consider step 3 in this analysis, which involves identifying the emissions reductions necessary to prevent contributions to downwind air quality problems.

Emissions Reductions from Existing Regulations

EPA's contribution modeling for interstate ozone transport relied on a 2011 base emission year. Since 2011 Utah's emissions have decreased significantly. This decrease in emissions is a result of permitting actions and regulatory requirements. Based on DAQ's statewide inventories Volatile Organic Compounds (VOCs) were reduced by 30% (59,353 tpy) and NO_x was reduced by 37% (88,973 tpy) between 2011 and 2017. While Utah is unable to require controls for mobile sources, it is expected that regulations such as the Tier 3 Vehicle Emissions and Fuel Standards will reduce emissions from these sources nationally. DAQ expects additional reductions beyond 2017 as adopted air quality rules listed below become fully implemented by the sources.

As part of a SIP for the Salt Lake City, UT PM 2.5 Nonattainment area, the Utah Air Quality Board amended numerous area source rules to comply with Best Available Control Technology (BACT) requirements. Three of the rules apply statewide. The rules and their subsequent emissions reductions by 2020 are shown in Table 3. Overall, the emissions reductions from these rules are projected to be 1,440 tons/year of NO_x and 5,624 tons/year of VOCs by 2020.

Rule Number	Rule Name	Utah Air Quality Board Final Adoption Date	Emissions Reduced in Pounds Per Day (lb/day) by 2020	
			NO _x	VOC
R307-208*	Outdoor Wood Boilers	10-Apr-2013	5.80	186.00
R307-221*	Emission Standard: Emission Controls for Existing Municipal Solid Waste Landfills	8-Feb-2008	0.00	299.37
R307-230*	NO _x Emission Limits for Natural Gas-Fired Water Heaters	3-Aug-2017	1,632.52	0.00
R307-302	Solid Fuel Burning Devices	1-Feb-2017	1,327.61	10,311.50
R307-303	Commercial Cooking	15-Dec-2015	0.00	54.29
R307-304 & R307-335	Industrial Solvent Use and Degreasing	6-Dec-2017 & 29-Oct-2017	0.00	1,527.89
R307-342	Adhesive and Sealants	1-Dec-2014	0.00	1,533.71
R307-343	Emissions Standards for Wood Furniture Manufacturing Operations	6-Dec-2017	0.00	910.88
R307-344	Paper, Film & Foil Coating	6-Dec-2017	0.00	147.62
R307-345	Fabric & Vinyl Coating	6-Dec-2017	0.00	442.96
R307-346	Metal Furniture Surface Coating	6-Dec-2017	0.00	249.51
R307-347	Large Appliance Surface Coating	6-Dec-2017	0.00	0.69
R307-348	Magnet Wire Coating	6-Dec-2017	0.00	22.18
R307-349	Flat Wood Panel Coating	6-Dec-2017	0.00	17.15
R307-350	Miscellaneous Metal Parts & Products Coating	6-Dec-2017	0.00	411.43
R307-351	Graphic Arts	6-Dec-2017	0.00	1,062.39

R307-352	Metal Containers, Closure & Coil Coating	6-Dec-2017	0.00	125.00
R307-353	Plastic Parts Coating	6-Dec-2017	0.00	222.41
R307-354	Auto body refinishing	6-Dec-2017	0.00	1,817.76
R307-355	Control of Emissions from Aerospace Manufacture & Rework Facilities	8-Mar-2018	0.00	43.13
R307-356	Appliance Pilot Light	1-Jan-2013	4,926.20	361.78
R307-357	Consumer Products	8-May-2014	0.00	4,625.34
R307-361	Architectural Coatings	31-Oct-2013	0.00	6,441.84
Total Emissions Reduced: (lb/day)			7,892.1	30,814.8

*Rule applies statewide

Table 5: Area source rules approved by the Utah Air Quality Board

On April 28, 2017, the EPA Administrator signed a final action to reclassify the Salt Lake PM_{2.5} nonattainment area from Moderate to Serious for the 2006 24-hour PM_{2.5} NAAQS. As required, the Utah Division of Air Quality completed a BACT analysis for point source emissions. Sources that emit 70 tons per year (tpy) or more of PM_{2.5} or any PM_{2.5} precursors — nitrogen oxides (NO_x), volatile organic compounds (VOCs), sulfur dioxide (SO₂), and ammonia — were subject to BACT. In addition, sources that met or exceeded the 70 tpy threshold for a single precursor were reclassified as major sources subject to Title V permit regulations. Under the Serious Area SIP requirements, point sources underwent an updated review of control techniques to ensure all controls met BACT. DAQ identified best available controls to limit emissions of direct PM_{2.5}, NO_x, SO₂ and VOCs, and drafted new permit limits based upon those controls and control techniques.

DAQ identified 26 stationary point sources that met or meet the threshold of 70 tons or more per year for PM_{2.5} or any precursor. The actual emission limits and operating procedures that reflect the implementation of BACM/BACT are included Utah's SIP Subsection IX. Part H, 11 & 12, which is made enforceable via incorporation into the Utah Air Quality Rules in R307-110-17. The Utah Air Quality Board adopted this SIP section and rule January 2, 2019.

Eight rules related to oil and gas sources were approved by the Utah Air Quality Board in 2018 and 2019. The purpose of these rules was to increase compliance with existing BACT standards in the State. Under Utah's previous rules, compliance officers were unable to inspect oil and gas sources unless they had a permit. A change to permit-by-rule (PBR) regulations required all oil and gas facilities, regardless of size, to register with the state. Facilities emitting more than five tons of any criteria pollutant must comply with BACT requirements. Some rules, such as R307-504, are a requirement for all operations. Inspections have increased by 46% since approval of the PBR regulations. Leaks are detected at approximately 70% of the inspected sites. Of the leaks detected, 95% are repaired within 15 days. The increased inspection and compliance has decreased NO_x and VOC emissions from oil and gas sources. While the rules are not currently incorporated into Utah's SIP, they will be incorporated into a SIP and submitted to EPA by spring 2020. The rules, and their effective dates, are shown in Table 5.

Rule Number	Rule Name	Effective Date
R307-504	Tank Truck Loading (amended to add controls for tank truck loading)	March 1, 2109
R307-505	Registration Requirements (new rule)	March 1, 2109
R307-506	Storage Vessel (new rule)	March 1, 2109
R307-507	Dehydrators (new rule)	March 1, 2109
R307-508	VOC Control Devices (new rule)	March 1, 2109
R307-509	Leak Detection and Repair Requirements	March 1, 2109
R307-510	Natural Gas Engine Requirements	March 1, 2109
R307-511	Associated Gas Flaring	March 5, 2109

Table 6: Oil and Gas Sector Rules to reduce NO_x and VOC emissions

Requiring additional emissions reductions under steps three and four of the 4-step analysis framework is not necessary because of emissions reductions already achieved since the 2011 base year and anticipated future reductions.

Assessment

The evidence presented above demonstrates that Utah’s interstate transport I-SIP for the 2015 8-hour ozone NAAQS contains provisions that meet the requirements of CAA section 110(a)(2)(D)(i)(I). The combined information contained in this weight-of-evidence analysis shows that emissions from Utah do not contribute to nonattainment or interfere with maintenance of the 2015 8-hour ozone NAAQS in the Denver NAA in Colorado. NO_x and VOC emissions have decreased in Utah since 2011 through a combination of regulatory and permitting actions. The EPA’s modeling also shows that contributions from Utah are not significant when considering the total emission contributions from all upwind states and the contributions from within the state of Colorado. These pieces of evidence demonstrate that Utah is neither “linked” nor contributing to the interference of maintenance of the NAAQS in downwind states.

Section 110(a)(2)(D)(i)(II): Interstate Transport – Prevention of Significant Deterioration and Visibility Protection

Requirement Summary

"Each such plan shall—contain adequate provisions:

(i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will –

(II) interfere with measures required to be included in the applicable implementation plan for any other state under part C of this subchapter to prevent significant deterioration of air quality to protect visibility."

Utah's Infrastructure

Prong 3: Utah has a fully-approved PSD and NNSR program, and has successfully implemented these programs for many years. Utah's PSD SIP was revised effective June 16, 2006, to conform to the federal NSR Reform rules. These changes have been submitted to EPA but are not yet approved. Until they are, the previously-approved versions are federally enforceable. Based on the conclusions stated by the EPA guidance, the State of Utah concludes that Utah's PSD SIP and NNSR rules ensure that Utah does not interfere with PSD implementation in other states.

Prong 4: The second part of this requirement, referred to as prong 4, requires that a state address control measures to protect visibility in another state. The EPA approved Utah SIP Section XVII Visibility Protection on June 25, 2003, in 68 FR 37744. EPA approved portions of Utah's Regional Haze SIP and rules related to regional haze as shown in Table 7. However, EPA only partially approved SIP Section XX.D.6. Portions disapproved by EPA include:

- XX.D.6.a the phrase “and BART for NO_x through alternative measures under 40 CFR 51.308(e)(2)”;
- XX.D.6.c; XX.D.6.d the phrase “NO_x and” in the first sentence, the entire last sentence in the introductory paragraph, all SO₂ and NO_x provisions and the word “Permitted” in the “Utah Permitted Limits” column in Table 5, “Hunter 3” and the Hunter limits, and all provisions in the “Presumptive BART Rates” column in Table 5;
- XX.D.6.e the phrase “, and pursuant to 51.308(e)(2)(E)(3) all alternative measures must take place within the first planning period”, the rows beginning with “Hunter 3”, “Carbon 1” and “Carbon 2” in Table 6, and the entire paragraph immediately following Table 6.

Rule Title	State Effective Date	Final rule citation, date
Section XX.D.6. Best Available Retrofit Technology (BART) Assessment for NO _x and PM	6/4/2015	81 FR 43923, 7/5/2016
Section XX.G. Long-Term Strategy for Fire Programs	4/7/2011	78 FR 4071, 1/18/2013
Section XXIII. Interstate Transport	2/9/2007	73 FR 16543, 3/28/2008

Table 7: Utah Regional Haze related SIP sections approved by EPA

With the partial disapproval, EPA issued a FIP. Utah filed a lawsuit against EPA challenging the July 5, 2016, disapproval of BART Alternative for NO_x in the Tenth Circuit on September 1, 2106.¹⁶ This litigation has been in abeyance since September 11, 2017, and the final rule requiring SCR installation is stayed.¹⁷ Utah is currently in the process of approving and submitting an approvable SIP revision to address the portions disapproved by EPA. The public comment period for the SIP revision ran from April 1, 2019 to May 15, 2019. It is expected that the SIP revision will be submitted to EPA in the summer of 2019.

¹⁶ See *Utah v. EPA*, No. 16-9541, Petition for Review (Sept. 1, 2016).

¹⁷ See *id.*, Order (Sept. 11, 2017); see also *id.*, Order Filed by the Clerk of the Court (Dec. 11, 2018) (continuing to hold appeal in abeyance).

Section 110(a)(2)(D)(ii): International Transport Provisions

Requirement Summary

"Each such plan shall—contain adequate provisions:

(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement)

Utah's Infrastructure

Based on the EPA Guidance¹⁸, Utah complies with Section 110(a)(2)(D)(ii) as follows:

Section 126

No source or sources within Utah are the subject of an active finding under section 126 of the CAA with respect to the 2015 Ozone NAAQS.

Section 115

There are no final findings regarding international emissions under section 115 of the CAA against Utah with respect to the 2015 Ozone NAAQS.

Section 110(a)(2)(E)(i): Adequate Personnel, Funding, and Authority

Requirement Summary

"Each such plan shall—provide:

(i) necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof)"

Utah's Infrastructure

SIP Section V: Resources commits to implement program activities in relation to resources provided by the annual State or EPA Agreement and Section 105 grant applications. SIP Section V: Resources, is codified in R307-110-6, and EPA approved it most recently on February 14, 2006, in 71 FR 7679.

Utah Air Quality Rule R307-414, Permits: Fees for Approval Orders requires the owner and operator of each new major source or major modification to pay a fee sufficient to cover the reasonable costs of reviewing and acting upon the notice of intent and implementing and enforcing requirements placed on such source by any approval order issued.

¹⁸ EPA Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2). September 2013.
https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf

Section 110(a)(2)(E)(ii): Adequate Personnel, Funding, and Authority

Requirement Summary

"Each such plan shall—provide

(ii) requirements that the state comply with the requirements respecting state boards under section 128."

Utah's Infrastructure

SIP Section I: Legal Authority identifies the statutory provisions that implement the provisions of Section 128 of the Clean Air Act respecting State Boards (See I.A.1.g). SIP Section I is codified in R307-110-2, and EPA approved it most recently on February 14, 2006, in 71 FR 7679.

Authority for SIP Section I is located at Section 19-2-104, UCA.

Section 110(a)(2)(E)(iii): Adequate Personnel, Funding, and Authority

Requirement Summary

"Each such plan shall—provide

(iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision."

Utah's Infrastructure

SIP Section VI: Intergovernmental Cooperation lists federal, state, and local agencies involved in protecting air quality in Utah. SIP Section VI is codified in R307-110-7, and EPA approved it most recently on February 14, 2006, in 71 FR 7679.

Section 110(a)(2)(F): Stationary Source Monitoring and Reporting

Requirement Summary

"Each such plan shall—require, as may be prescribed by the Administrator:

(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,

(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such source

(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this chapter, which reports shall be available at reasonable times for public inspection."

Utah's Infrastructure

SIP Section III: Source Surveillance describes Utah's programs to monitor sources, including emission inventories, plant inspections, and emission testing. SIP Section III is codified in R307-110-4, and EPA approved it most recently on February 14, 2006, in 71 FR 7679.

R307-150 requires sources to submit periodic emission inventories for criteria pollutants and their precursors and hazardous pollutants. R307-150 was most recently approved by EPA on

December 14, 2012, in 77 FR 74355. Utah has submitted numerous changes to the inventory rule since that date to incorporate new federal requirements, such as the Consolidated Emission Reporting Rule (CERR), and EPA has not yet acted on any of these submittals.

R307-165 requires sources to conduct periodic tests to assure compliance with the emissions limitations established in approval orders or the SIP. R307-165 was most recently approved by EPA on February 14, 2006, in 71 FR 7679.

R307-170 requires certain large sources to install and maintain continuous emission monitors to assure compliance with emission limitations established in approval orders and the SIP. R307-170 was most recently approved by EPA on September 2, 2008, in 73 FR 51222.

SIP Section II: Review of New and Modified Air Pollution Sources provides that new or modified sources of air pollution must submit plans to the Utah Division of Air Quality and receive approval orders before initiation of construction or modification of an installation. SIP Section II is codified in R307-110-3, and EPA approved it most recently on February 14, 2006, 71 FR 7679. The Utah Air Quality rule R307-401 establishes a minor source permitting program in the state for new and modified sources. R307-401 was most recently approved by EPA on July 19, 2016, in 79 FR 7072.

SIP Section VIII: Prevention of Significant Deterioration was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. SIP Section VIII is codified in R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011, in 76 FR 41712. On April 14, 2011, Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal. Utah amended R307-405 on November 6, 2019, to comply with EPA's January 17, 2017 revisions to Appendix W.

Section 110(a)(2)(G): Emergency Episodes

Requirement Summary

"Each such plan shall provide for authority comparable to that in section 303 of this title and adequate contingency plans to implement such authority."

Utah's Infrastructure

SIP Section I: Legal Authority identifies the statutory provisions to abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons (See I.A.1.g). The legal authority to implement SIP Section I is contained in the Utah Air Conservation Act Section 19-2-112. SIP Section I is codified in R307-110-2, and EPA approved it most recently on February 14, 2006, in 71 FR 7679.

SIP Section VII: Prevention of Air Pollution Emergency Episodes provides the basis for acting to prevent air pollutant concentrations from reaching levels which could endanger the public health or to abate such concentrations should they occur. The legal authority to implement SIP Section VII is contained in the Utah Air Conservation Act Section 19-2-112. SIP Section VII is codified in R307-110-8, and EPA approved it most recently on February 14, 2006, in 71 FR 7679.

Section 110(a)(2)(H): Future SIP revisions

Requirement Summary

"Each such plan shall—provide for revision of such plan—

(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter (CAA)."

Utah's Infrastructure

SIP Section I: Legal Authority identifies the statutory provisions that allow the Utah Division of Air Quality to revise its plans to take account of revisions of national ambient air quality standard and to adopt expeditious methods of attaining and maintaining such standard (See I.A.1.a). The legal authority to implement SIP Section I is contained in the Utah Air Conservation Act Section 19-2-112. SIP Section I is codified in R307-110-2, and EPA approved it most recently on February 14, 2006, in 71 FR 7679.

Section 110(a)(2)(J): Consultation with Government Officials

Requirement Summary

"meet the applicable requirements of section 121 (relating to consultation)"

Utah's Infrastructure

SIP Section I: Legal Authority adopts requirements for transportation consultation (Section 174, Clean Air Act) (See I.A.2). SIP Section I is codified in R307-110-2, and EPA approved it most recently on February 14, 2006, in 71 FR 7679.

SIP Section VI: Intergovernmental Cooperation provides a listing of federal, state, and local agencies involved in protecting air quality in Utah. SIP Section VI is codified in R307-110-7, and EPA approved it most recently on February 14, 2006, in 71 FR 7679.

SIP Section XII: Transportation Conformity Consultation establishes the consultation procedures on transportation conformity issues when preparing state plans. SIP Section XII is codified in R307-110-20, and EPA approved it most recently on September 2, 2008, in 73 FR 51222.

Section 110(a)(2)(J): Public Notification

Requirement Summary

"meet the applicable requirements of section 127 of this title (relating to public notification)"

Utah's Infrastructure

SIP Section XVI: Public Notification includes provisions to notify the public when NAAQS have been exceeded as per Section 127 of the CAA. SIP Section XVI is codified in R307-110-24, and EPA last approved it on February 14, 2006, in 71 FR 7679.

Section 110(a)(2)(J): PSD and Visibility Protection

Requirement Summary

"meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection)"

Utah's Infrastructure

SIP Section VIII: Prevention of Significant Deterioration (PSD) describes the program to prevent significant deterioration of areas of the state where the air is clean. SIP Section VIII is codified in R307-110-9 and R307-405, and EPA approved SIP Section VIII and R307-405 most recently on July 15, 2011, in 76 FR 41712. Utah has also submitted further revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010, and EPA has not yet acted on these revisions. Utah amended R307-405 on November 6, 2019, to comply with EPA's January 17, 2017 revisions to Appendix W.

SIP Section XVII: Visibility Protection describes the program to protect visibility, especially within the boundaries of the five national parks located in Utah. Authority for this section is located in Sections 19-2-101 and 104, UCA. SIP Section XVII is codified in R307-110-25, and EPA approved it most recently on February 14, 2006, in 71 FR 7679.

SIP Section XX: Regional Haze addresses the requirements in Part C of the CAA relating to regional haze. The SIP was based on the recommendations of the Grand Canyon Visibility Transport Commission established by Section 169B(f) of the CAA. Authority for this section is located in Section 19-2-104, UCA. SIP Section XX is codified in R307-110-28. EPA signed a notice to approve the majority of Utah's Regional Haze plan in December 2012, but has not yet published this final action in the FR. In the same action, EPA disapproved the Best Available Retrofit Technology (BART) determinations for NO_x and PM for four subject to BART Electric Generating Units (EGUs). DAQ is currently preparing a new 5-Factor BART analysis for these four EGUs to address the deficiencies identified in EPA disapproval.

Section 110(a)(2)(K): Air Quality Modeling or Data

Requirement Summary

"Each such plan shall—provide for—

- (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and*
- (ii) the submission, upon request, of data related to such air quality modeling to the Administrator."*

Utah's Infrastructure

Utah Air Quality rule R307-405-13 incorporates the air quality model provisions of 40 CFR 52.21(l), which includes the air quality model requirements of appendix W of 40 CFR part 51. R307-110-9 codifies SIP Section VIII: Prevention of Significant Deterioration. EPA approved SIP Section VIII and R307-405 most recently on July 15, 2011, in 76 FR 41712. On April 14, 2011 Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal. Utah amended R307-405 on November 6, 2019 to comply with EPA's January 17, 2017 revisions to Appendix W.

SIP Section II: Review of New and Modified Air Pollution Sources provides that new or modified sources of air pollution must submit plans to the Division of Air Quality and receive an Approval Order before initiation of construction or modification of an installation. SIP Section II is codified in R307-110-3, and EPA approved it most recently on February 14, 2006, in 71 FR 7679.

R307-410 establishes the procedures and requirements for evaluating the emissions impact of new or modified sources that require an approval order under R307-401. This rule was amended by the Air Quality Board on November 6, 2019, and is currently under review by EPA.

Section 110(a)(2)(L): Permitting Fees

Requirement Summary

"Each such plan shall require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover—

(i) the reasonable costs of reviewing and acting upon any application for such a permit, and
(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter (title) V of this chapter."

Utah's Infrastructure

SIP Section I: Legal Authority identifies the statutory authority to charge a fee to major sources to cover permit and enforcement expenses (See I.A.1.h). SIP Section I is codified in R307-10-2, and EPA approved it most recently on June 25, 2003, in 68 FR 37744.

Utah Air Quality Rule R307-414, Permits: Fees for Approval Orders, requires the owner and operator of each new major source or major modification to pay a fee sufficient to cover the reasonable costs of reviewing and acting upon the notice of intent and implementing and enforcing requirements placed on such source by any approval order issued. EPA approved R307-414 most recently on February 1, 2007, in 72 FR 4641.

Utah's Title V Operating Permits Program (R307-415) was approved by EPA on June 8, 1995, in 60 FR 30192.

Section 110(a)(2)(M): Consultation or Participation by Affected Local Entities

Requirement Summary

"Each such plan shall—provide for consultation and participation by local political subdivisions affected by the plan."

Utah's Infrastructure

SIP Section VI: Intergovernmental Cooperation (*Intergovernmental Cooperation*) lists federal, state, and local agencies involved in protecting air quality in Utah. SIP Section VI is codified in R307-110-7, and EPA approved it most recently on February 14, 2006, in 71 FR 7679.

SIP Section XII: Transportation Conformity Consultation establishes the consultation procedures on transportation conformity issues when preparing state plans. SIP Section XII is codified in R307-110-20, and EPA approved it most recently on September 2, 2008, in 73 FR 51222.

Certification

I, Liam O. Thrailkill, Rules Coordinator for the Utah Division of Air Quality, do hereby certify that the public comment period held to receive comments regarding *2015 State of Utah 110(a)(2) SIP Infrastructure Elements for Ozone* was held in accordance with the information provided in the published public notices and as defined in Utah Code 19-2-109. No public comments were received.

Signed this 24 day of October 2019.
